

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

**MDL NO. 2843**

CASE NO. 3:18-MD-02843-VC-JSC

HON. VINCE CHHABRIA  
HON. JACQUELINE SCOTT CORLEY  
COURTROOM 4 – 17<sup>TH</sup> FLOOR  
SPECIAL MASTER, DANIEL GARRIE, ESQ.

**ORDER ON PLAINTIFFS' MOTION FOR  
PERMISSION TO SERVE 30(B)(6)  
NOTICE ON FACEBOOK REGARDING  
FTC COMPLAINTS AND CONSENT  
ORDERS**

**ORDER ON PLAINTIFFS' MOTION FOR PERMISSION TO SERVE 30(B)(6) NOTICE ON  
FACEBOOK REGARDING FTC COMPLAINTS AND CONSENT ORDERS**



1 duplicative of previously noticed topics and topics 2.A-G of Plaintiffs' proposed 30(b)(6) notice are not  
2 duplicative of previously noticed topics.

3 7. The Special Master finds that topics 1.A and 1.B of Plaintiffs' proposed 30(b)(6) notice are  
4 duplicative of previously noticed because these topics concern the allegations in the FTC's 2011 and  
5 2019 complaints, which are substantially similar to allegations in the present matter and concern  
6 substantially similar underlying facts to the present matter. The Special Master finds that these  
7 substantially similar allegations and underlying facts were addressed in previously noticed deposition  
8 topics. For example, Topic 1.A includes "The allegations in the 2011 Complaint," in Paragraphs 10-18,  
9 entitled "Facebook's Deceptive Privacy Settings," including about controls available to "restrict access to  
10 specified users," ¶ 11, their efficacy vis-à-vis "third parties," ¶ 14, and the types of "[i]nformation  
11 shared." See Exhibit 1 to Plaintiffs' Motion. Previously noticed 30(b)(6) topics include Topic 2 "... Data  
12 or Information to which Facebook sold, made accessible, made available, or allowed Third Parties to use  
13 to target Users, including," *inter alia*, "(a) The types of User Data or Information Facebook shared,  
14 made accessible or permitted Third Parties to target" and "(c) The format or formats through which it is  
15 shared or made accessible, or made available to Third Parties to target ..."; Topic 3 "An overview of the  
16 processes of developing Privacy or App Settings or other controls made available to users to prevent or  
17 limit their Data or Information from being accessed by Third Parties, including," *inter alia*, "(b)  
18 Processes, reviews, investigations, inquiries, studies, analyses, and Communications relating to Users'  
19 Privacy or App Settings, their efficacy, including user experience, customer service, internal regulators,  
20 whether internal or by third parties ..."; and Topic 5.e "The manner by which Data" that "can be  
21 associated with a User" is "made accessible to Third Parties ...". The Special Master finds that Topic 1.A  
22 of Plaintiffs' proposed FTC notice is substantially duplicative of the above listed previously noticed  
23 topics. The Special Master finds that Plaintiffs' argument that FTC notice Topic 1.A differs because it  
24 concerns the FTC's allegations is unpersuasive because the subject matter of the allegations is  
25 substantially similar to subject matter of the previously noticed topics. Therefore, the Special Master  
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1 finds that Topics 1.A and 1.B, concerning the FTC's allegations, are substantially similar to previously  
2 noticed 30(b)(6) topics. See Appendix A to Facebook's Supplemental Statement for a side-by-side  
3 comparison of the FTC notice topics and previously noticed topics.

4 8. The Special Master finds that topics 2.A-G of Plaintiffs' proposed 30(b)(6) notice are not  
5 duplicative of previously noticed because these topics concern Facebook's compliance with the 2012  
6 and 2020 FTC consent orders which was not addressed in previously noticed 30(b)(6) topics. For  
7 example, Topic 2.E of the FTC notice concerns "Facebook's compliance with the 2012 and 2020 FTC  
8 Orders, including ... Facebook's reports to the FTC regarding its compliance with the 2012 and 2020  
9 Orders, as required by Sections IX of the 2012 Order and XI of the 2020 Order." See Exhibit 1 to  
10 Plaintiffs' Motion. Facebook does not cite to any previously noticed 30(b)(6) topic in response, but  
11 rather refers to documents provided prior to the deposition of Allison Hendrix and the deposition of  
12 PwC to claim that this topic of the FTC notice is duplicative. The Special Master finds that Facebook's  
13 responses regarding Topics 2.A-G of the FTC notice fail to demonstrate that the topics are duplicative of  
14 previously noticed topics.  
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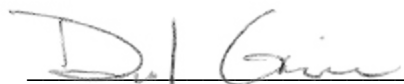
### 17 ORDER

18 9. Plaintiffs are entitled to serve a 30(b)(6) notice on Facebook with respect to Topics 2.A-G of  
19 Plaintiffs' proposed notice and are not entitled to serve notice with respect to Topics 1.A and 1.B of  
20 Plaintiffs' proposed notice.

21 10. The time limit for Plaintiffs' 30(b)(6) deposition regarding the topics identified above is 3  
22 hours.  
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24 IT IS SO ORDERED.

25 August 26, 2022

26   
Daniel Garrie  
Discovery Special Master